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1c961 U.S. PTO

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PTO/SB/50 (02-01)  
Approved for use through 01/31/2004. OMB 0651-0033  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## REISSUE PATENT APPLICATION TRANSMITTAL

<b>Address to:</b>  <b>Assistant Commissioner for Patents</b> <b>Box Reissue</b> <b>Washington, DC 20231</b>	<b>Attorney Docket No.</b>	S1011
	<b>First Named Inventor</b>	Harold Brodie
	<b>Original Patent Number</b>	5,980,620
	<b>Original Patent Issue Date</b> (Month/Day/Year)	11/9/1999
	<b>Express Mail Label No.</b>	EL 729629318 US

### APPLICATION FOR REISSUE OF:

(Check applicable box)



Utility Patent



Design Patent



Plant Patent

### APPLICATION ELEMENTS (37 CFR 1.173)

1. ☒ Fee Transmittal Form (PTO/SB/56)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification and Claims in double column copy of patent format (amended, if appropriate)
4. ☐ Drawing(s) (proposed amendments, if appropriate)
5. ☒ Reissue Oath/Declaration (original or copy)  
(37 C.F.R. § 1.175) (PTO/SB/51 or 52)
6. ☒ Power of Attorney— See Consent of Assignee
7. Original U.S. Patent currently assigned? ☒ Yes ☐ No  
(If Yes, check applicable box(es))
  - ☒ Written Consent of all Assignees (PTO/SB/53)
  - ☒ 37 C.F.R. § 3.73(b) Statement (PTO/SB/96)
8. ☐ CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
9. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all of the following are necessary)
  - a. ☐ Computer Readable Form (CFR)
  - b. Specification Sequence Listing on:
    - i ☐ CD-ROM (2 copies) or CD-R (2 copies); or
    - ii ☐ paper
  - c. ☐ Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

10. ☒ Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).
11. ☐ Original U.S. Patent for surrender
  - ☐ Ribboned Original Patent Grant
  - ☐ Statement of Loss (PTO/SB/55)
12. ☐ Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
13. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
14. ☐ English Translation of Reissue Oath/Declaration  
(if applicable)
15. ☒ Preliminary Amendment
16. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
17. Other: Request for Title Report  
Certification Request to  
Provoke Interference

### 18. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

03000



Correspondence address below

(Insert Customer No. or Attach bar code label here)

<b>Name</b>	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.		
<b>Address</b>	1635 Market Street - 12th Floor Seven Penn Center		
<b>City</b>	Philadelphia,	<b>State</b>	PA
<b>Country</b>	USA	<b>Telephone</b>	(215) 567-2010
<b>Zip Code</b>	19103-2212		
<b>Fax</b>	(215) 751-1142		

<b>NAME</b> (Print/Type)	Robert S. Silver	<b>Registration No. (Attorney/Agent)</b>	35,681
<b>Signature</b>		<b>Date</b>	June 13, 2001

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision

**TOTAL AMOUNT OF PAYMENT** (\$)**1730.00****Complete if Known**

Application Number	5,980,620
Filing Date	June 13, 2001
First Named Inventor	Harold Brodie
Examiner Name	Anthony Green
Group Art Unit	
Attorney Docket No.	S1011

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	03-0075
Deposit Account Name	Caesar, Rivise, et al.

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	\$710
114 150	214 75	Provisional filing fee	

**SUBTOTAL (1)** (\$)**710****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
35	-20** = 15	18	270
9	-3** = 6	80	480
		270	270

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**1020**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY**Name (Print/Type) **Robert S. Silver**Registration No. (Attorney/Agent) **35,681****Complete (if applicable)**Telephone **215-567-2010**

Signature \_\_\_\_\_

Date **6/13/2001****WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Applicants : Harold Brodie, et al.  
Reissue  
Application : U. S. Patent No. 5,980,620  
Invention : INHIBITION OF BACTERIAL GROWTH

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This is a Reissue application of which includes the following:

1. Reissue Patent Application transmittal letter in duplicate
2. Fee Transmittal for FY 2001
3. A copy of original Patent No. 5,980,620 with the text reproduced in a single column
4. A Reissue Declaration of Inventor Rainer Clover
5. A Reissue Declaration of Inventor Harold Brodie
6. Request for Title Report and Certification
7. Fee Transmittal letter Reissue Application and Request To Provoke Interference
8. Written Consent of the Assignee of Patent No. 5,980,620  
Power of Attorney
9. Offer to Surrender Original Patent No. 5,980,620
10. Amendment Presenting New Claims
11. Reissue Application and Request to Provoke Interference
12. Request to Provoke Interference (37 C.F.R. §1.607)
13. Statement Under 37 CFR 3.73(b)
14. Copy of Assignment of 5,980,620
15. Return Receipt Postcard

"Express Mail" Mailing Label No. EL 729629318 US  
Date of Deposit June 13, 2001

I hereby certify that the above-identified documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner of Patents, Washington, DC 20234

  
\_\_\_\_\_  
Robert Fidler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION  
of U. S. Patent No. 5,980,620

Issued: November 9, 1999

Examiner: Anthony Green

Group Art Unit: 1755

Title: INHIBITION OF BACTERIAL GROWTH

FEE TRANSMITTAL LETTER  
REISSUE APPLICATION AND REQUEST TO PROVOKE INTERFERENCE

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

Accompanying this Letter is a Reissue application for the above patent. Please charge the reissue filing fee of \$710.00 for a large entity and any additional fees or deficiencies to perfect the Reissue application and/or request to provoke Interference, as well as for any additional claims presented in the accompanying Amendment Presenting New Claims to attorneys' deposit account no. 03-0075.

A duplicate copy of this letter is enclosed.

Respectfully submitted,

June 13, 2001

By

Alan H. Bernstein  
Robert S. Silver  
Caesar, Rivise, Bernstein,  
Cohen & Pokotilow, Ltd.  
1635 Market Street  
Philadelphia, PA 19103-2212  
(215) 567-2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION  
of U. S. Patent No. 5,980,620

Issued: November 9, 1999

Examiner: Anthony Green

Group Art Unit: 1755

Title: INHIBITION OF BACTERIAL GROWTH

REQUEST FOR TITLE REPORT AND CERTIFICATION

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

Applicant requests a Title Report and certification to be placed in the above file for reissue of the above patent.

The Commissioner is authorized to charge the fee of \$25.00 and any additional fees and deficiencies which may be required for the title Report and certification to attorneys' deposit account no. 03-0075. A duplicate copy of this Request is enclosed.

Respectfully submitted,

June 13, 2001

By

Alan H. Bernstein  
Robert S. Silver  
Caesar, Rivise, Bernstein,  
Cohen & Pokotilow, Ltd.  
1635 Market Street  
Philadelphia, PA 19103-2212  
(215) 567-2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION  
of U. S. Patent No. 5,980,620

Issued: November 9, 1999

Examiner: Anthony Green

Group Art Unit: 1755

Title: INHIBITION OF BACTERIAL GROWTH

WRITTEN CONSENT OF ASSIGNEE OF PATENT NO. 5,980,620

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

I, HAROLD BRODIE, hereby declare as follows:

I am director of BioCote Ltd., the assignee of record of the above patent, as well as the assignee of record for U.S. Patent No., 6,129,782. BioCote Ltd, hereby consents to the filing of the accompanying reissue application for the above '620 patent. I was authorized by BioCote Ltd., to execute this assent on its behalf for filing and prosecuting this reissue application. The Assignee hereby appoints Alan H. Bernstein and Robert S. Silver, of the law firm of Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., 1635 Market Street, Philadelphia, PA 19103-2212, as the attorneys to file and prosecute the reissue application.

I, HAROLD BRODIE, hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statement and the like so made are punishable by fine, or imprisonment or both, under §1001 of Title 18 of the United States Code,

and that such wilful, false statements may jeopardize the validity of this application or any patent issuing therefrom.

Further Declarant sayeth not:

BioCote Ltd.

By *H. Brodie.*  
Harold Brodie, Director

7<sup>th</sup> JUNE , 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION  
of U. S. Patent No. 5,980,620

Issued: November 9, 1999

Examiner: Anthony Green

Group Art Unit: 1755

Title: INHIBITION OF BACTERIAL GROWTH

OFFER TO SURRENDER ORIGINAL PATENT NO. 5,980,620

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

The undersigned attorney, who was also the attorney of record in the original prosecution of the above patent on behalf of the patentee applicant, hereby offers to surrender the above original patent, upon the granting of a reissue patent. At such time as allowable subject matter is indicated in the reissue application the original patent shall be forwarded to the United States Patent and Trademark Office.

Respectfully submitted,

By

Alan H. Bernstein  
Robert S. Silver  
Caesar, Rivise, Bernstein,  
Cohen & Pokotilow, Ltd.  
1635 Market Street  
Philadelphia, PA 19103-2212  
(215) 567-2010

4/13, 2001